

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
	:	NO. 24-612
MICHAEL DICIURCIO,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 29th day of February, 2024, upon consideration of Plaintiff's Motion for Preliminary Injunction (Doc. No. 2), and following a hearing, it is hereby **ORDERED** that the Motion is **GRANTED**¹ as follows:

1. Should Defendant wish to earn any monetary profit from his drone operation, he is prohibited from operating any drone until he passes the appropriate FAA-issued test and obtains a license.
2. Should Defendant wish to operate any drone as only a hobbyist, he must identify, review, and comply with the safety guidelines of a recognized community organization.
3. For all future drone operation, whether as a hobbyist or for profit, Defendant must comply with the following regulations:
 - a. He must register any and all drones that he seeks to operate;
 - b. He may not operate any drone more than 400 feet above the ground;
 - c. He may not operate any drone in controlled airspace or in a manner that interferes with a manned aircraft;

¹ In granting this preliminary injunction, I find that the Government has established that (1) it is likely to prevail on the merits of the case; (2) it will suffer irreparable harm if preliminary injunctive relief were denied; (3) the harm Defendant will suffer from the issuance of an injunction does not outweigh the harm the Government (and the public) would suffer if an injunction were denied; and (4) the public interest weighs in favor of granting the injunction. Fed. R. Civ. P. 65; Holland v. Rosen, 895 F.3d 272, 285–86 (3d Cir. 2018).

- d. He must maintain visual line of site all times, or, in the event that he uses goggles, must have an individual with him that operates as a spotter;
 - e. He may not operate any drone over moving traffic;
 - f. He may not operate the drone over any person or people unless the person/people are directly participating in the operation of the drone, or are located under a covered structure or inside a stationary vehicle;
 - g. He may not operate any drone at night.
4. A second hearing will be held on **Wednesday, April 24, 2024, at 10:00 a.m. in Courtroom 17A, United States Courthouse, 601 Market Street, Philadelphia PA.** At that time, Defendant may represent to the Court that he has fully complied with all of the foregoing and may request that the injunction be lifted.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.